

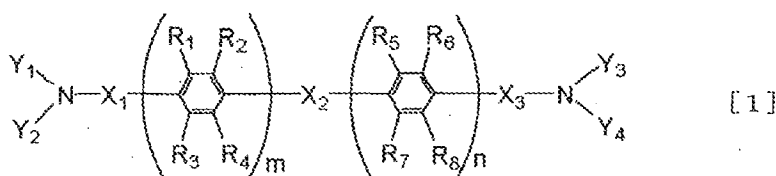
(b) Remarks

The claims are 17 and 18, with both in independent form. Reconsideration of the claims is expressly requested.

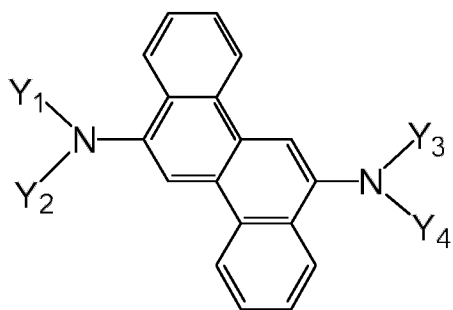
Claims 17 and 18 were provisionally rejected on the ground of obviousness-type double patenting over claim 4 of Application No. 10/525,198, now U.S. Patent Publication No. US2006/0068221A1, published March 30, 2006. The rejection is respectfully traversed.

With regard to instant claims 17 and 18, each requires a combination of a spiro compound (II) and a fluorene compound of formula [X] or formula [XI], in which a central fluorene unit or units is substituted by aryl or hetero amino groups. The fluorene ring has a fused structure of two phenyl rings sandwiching a central cyclopentane providing a tri-fused ring structure.

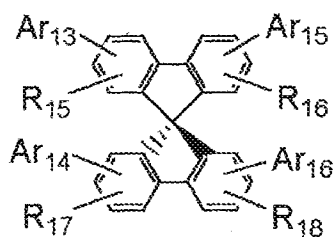
The Examiner bases the rejection on the allegation that claim 4 of Application No. 10/525,198 recites a compound with the following structure where  $X_2$  can be a silylene group:



However, Applicants note that claim 4 of Application No. 10/525,198 was amended on May 22, 2008 to delete said formula [1] and to provide for a combination of a di (diphenyl amino) pyrene of the formula:

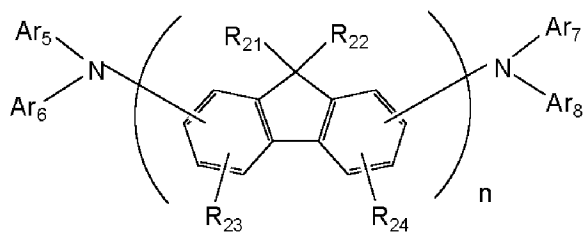


and a spiro of general formula [5]:



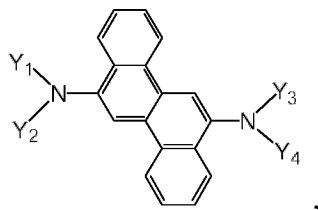
[ 5 ]

In contrast, claims 17 and 18 of the present invention require a combination of a spiro compound and a fluorene compound of formula [X] or formula [XI], in which the fluorene compound is a di (diaryl amino) fluorene.

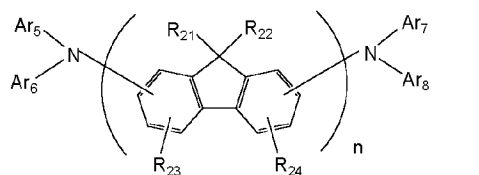


[ X ]

The diamino pyrene of Application No. 10/525,198 is different in kind from the instant di (diaryl amino) fluorene, since the pyrene skeleton is



while the instant fluorene skeleton is



Therefore, in each of the formulas of present claims 17 and 18, there is a patentably distinct difference in structure between the compounds recited in these claims and the structure of claim 4 of Application No. 10/525,198. Application No. 10/525,198 does not claim the fluorene compound of the present invention, and, conversely, the present claimed invention does not claim the di (diphenyl amino) pyrene of Application No. 10/525,198.

Therefore, no double patenting exists, since no claim conflict is possible and one can practice the claimed invention of each without conflicting with the claims of the other. There being no remaining issues the claims should be allowed and the case passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Peter Saxon/  
Peter Saxon  
Attorney for Applicants  
Registration No.: 24,947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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